

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
W/S of Hillside Court, 1100 ft. +/-
Of the centerline of Happy Hollow Road * ZONING COMMISSIONER
8th Election District
3rd Councilmanic District * OF BALTIMORE COUNTY
19 Hillside Court
Marcy Engelbrecht *
Petitioner CASE NO. 99-78-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Mary Engelbrecht for that property known as 19 Hillside Court in the Cockeysville section of northern Baltimore County. The Petitioner herein seeks a variance from Section 1A04.3.B.3 of the Baltimore County Zoning (BCZR) to allow a sideyard setback of 28 ft. in lieu of the required 50 ft. for an attached garage. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of October, 1998 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the BCZR to allow a side yard setback of 28 ft. in lieu of the required 50 ft. for an attached garage, be and is hereby GRANTED, subject,

ORDER RECEIVED FOR FILING


Date

By

10/1/98
Jm. Howard

however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmm

ORIGINAL FILED FOR FILING
DATE 10/11/98
BY M. Spork



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 1, 1998

Mrs. Marcy Engelbrecht
19 Hillside Court
Cockeysville, Maryland 21030

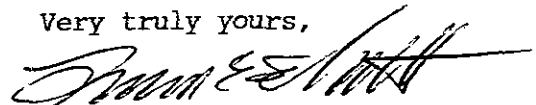
RE: Petition for Administrative Variance
Case No. 99-78-A
Property: 19 Hillside Court

Dear Mrs. Engelbrecht:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

19 Hillside Ct.

which is presently zoned

RCS

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 A04.3 B.3; BC2R, To permit a sideyard setback of 28 ft. in lieu of the required 50 ft. for an attached garage.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

see comments on back page

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Legal owner

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: JUM

DATE

8-18-98

ESTIMATED POSTING DATE:

8-30-98

Printed with Soybean Ink
on Recycled Paper

ITEM #:

78

99-78-A

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 19 Hillside Ct
address
Cockeysville MD 21030
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

We need to convert the existing garage to a family room for our family & would like to build a new garage for our cars. There is no other practical location for a garage other than the left side of the house. Rear & right side slope down severely, a garage would not be practical in the front.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
(signature)
ZIRK ENGELBRECHT
(type or print name)



[Signature]
(signature)
MARCY H. ENGELBRECHT
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of August, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ZIRK & MARCY ENGELBRECHT

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

8-10-98
date

[Signature]
NOTARY PUBLIC

My Commission Expires: 1-1-2001

A-85-PP

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 19 Hillside Ct.
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City State Zip Code

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That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
(signature)
ZIRK ENGELBRECHT
(type or print name)



[Signature]
(signature)
MARCY M. ENGELBRECHT
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of August, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ZIRK & MARCY ENGELBRECHT

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8-10-98
date

Nancy L. Volpe
NOTARY PUBLIC

My Commission Expires: 1-1-2001

A-25-PP



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

19 Hillside Ct.

which is presently zoned

RC5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 A04.3.B.3; BC2R, To permit a sideyard setback of 28 ft. in lieu of the required 50 ft. for an attached garage.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

see comments on back page

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Legal Owner

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY:

DATE:

ESTIMATED POSTING DATE:

Printed with Soybean Ink on Recycled Paper

ITEM #:

78

99-78-A

Zoning Description

Zoning description for 19 Hillsyde Ct.

Beginning at a point on the West side of Hillsyde Ct. which is 50' wide at the distance of 1100' + of the centerline of the nearest improved intersecting street Happy Hollow which is 50' wide. Being lot #9 Block -- Section 1 in the subdivision Hillsyde Hunt as recorded in Baltimore County Plat Book # 61, Folio 122, Containing 4.410 acres. Also known as 19 Hillsyde Ct. and located in the 8th election district, 3 councilmanic district.

78

99-78-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

78

No. 056139

DATE 8-15-98

ACCOUNT

Rec'd 6150

AMOUNT

\$ 50.00

RECEIVED
FROM:

M. Englebracht

(100) 100.00

FOR:

PAID RECEIPT

PROCESS ACTUAL

8/18/1998 8/18/1998 16:09:21

REC 4895 CASHIER 1981 LXS INCOMER 5

5 MISCELLANEOUS CASH RECEIPT

Receipt # 071636

CR NO. 056139

OFFN

50.00 CHECK

Baltimore County, Maryland

99-78-A

CASHIER'S VALIDATION

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Scm

CERTIFICATE OF POSTING

RE: Case No.: 99-78-A

Petitioner/Developer: _____

HOMESTEAD CONTRACTORS, INC.

MAREY ENGELBRECHT

Date of Hearing/Closing: 9-14-98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

19 HILLSIDE COURT

The sign(s) were posted on AUG. 29, 1998
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

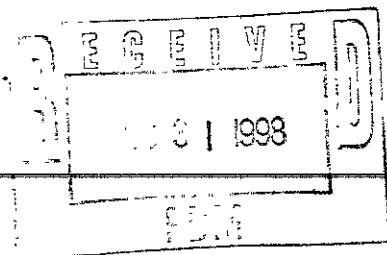
(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 99-78-A
A VARIANCE TO PERMIT A SIDEYARD
SETBACK OF 28 FEET IN LIEU OF
THE REQUIRED 50 FEET FOR AN
ATTACHED GARAGE.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 P.M. ON SEPTEMBER 14, 1998

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 887-3391

IF YOU HAVE ANY COMMENTS, PLEASE RETURN BOTH TO ZONING, RM. 104
BEFORE THE MEETING DATE.

MEETING IS MANDATORY ATTENDANCE

ZONING NOTICE
ADMINISTRATIVE
VARIANCE
PUBLIC HEARING ?

19

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 78 -A Address 19 Hillside Ct.
Contact Person: J. McPhee Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8-18-98 Posting Date: 8-30-98 Closing Date: 9-14-98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet 0to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 99- 78 -A Address 19 Hillside Ct.
Petitioner's Name MARCY ENGELBRECHT. Telephone (410) 628-0040
Posting Date: 8-30-98 Closing Date: 9-14-98
Wording for Sign: A VARIANCE To Permit A SIDEYARD SETBACK of 28ft. in
Lieu of The Required 50ft. for an Attached
GARAGE.



Baltimore County
Department of Permits and
Development Management

#5 1 copy
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 78

Petitioner: Zirk & Marcy Englebrecht

Location: 19 Hillside Ct. Cockeysville, MD - 21030

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Zirk & Marcy Englebrecht

ADDRESS: 19 Hillside Ct.

Cockeysville, MD. 21030

PHONE NUMBER: 410 628-2040

AJ:ggs

(Revised 09/24/96)

99-78-A



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: September 3, 1998

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 8, 1998
Item Nos. 076, 077, (078), 079, 080,
081, and 082

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0898.NOC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: September 3, 1998

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 8, 1998
Item Nos. 076, 077, 078, 079, 080,
081, and 082

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0898.NOC

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 9/1/78

FROM: R. Bruce Seeley. RBS/PP
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Nov 31, 1997
f

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

76
77
78
79
80

RBS:sp

BRUCE2/DEPRM/TXTS8P



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 8.31.91

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 078

JCM

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

/s/ Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: August 22, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition(s):

Item Nos. 76, 77, 78, 79, 80, and 82

If there should be any questions or if this office can provide additional information,
please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief: Jeffrey W Long

AFK/JL

Re: Case No. 99-78-A
19 Hillside Court

This case is an administrative variance and the closing date was Sept. 14, 1998. About that time, I received a call from a neighbor, Dr. Guntha, about the case. He wanted an explanation of what the zoning sign was all about. I explained the request and told him to call me by Sept. 25 (Friday) if he wanted a hearing or had an objection. On Monday Sept 28 I received a call from the Petitioner's general contractor who advised that the parties had met and resolved whatever issues/concerns were outstanding. Thus this Petition is ok to process. There are no outstanding ZAC comments and the Petition is "ok to grant."



Lawrence E. Schmidt

see pages 5 & 6 of the CHECKLIST for additional required information

subject property

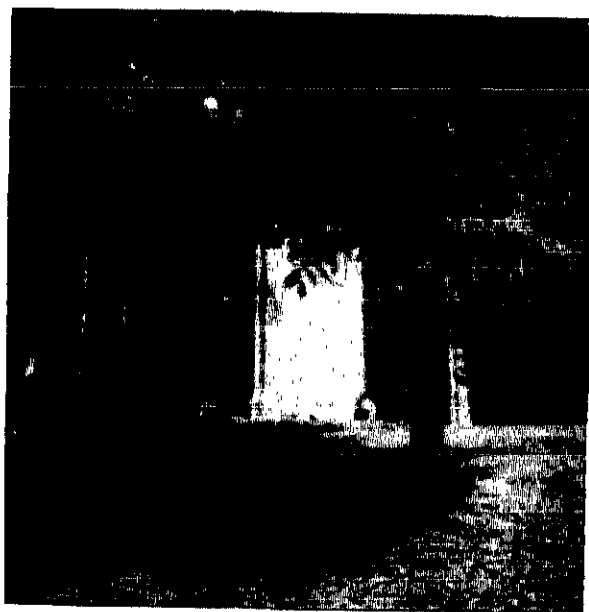


Scale of Drawing: 1"=

12 copies

Jan 78

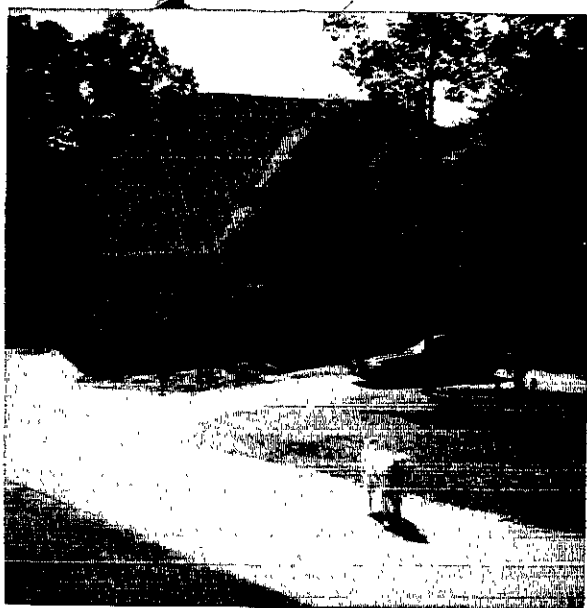
99-78-A



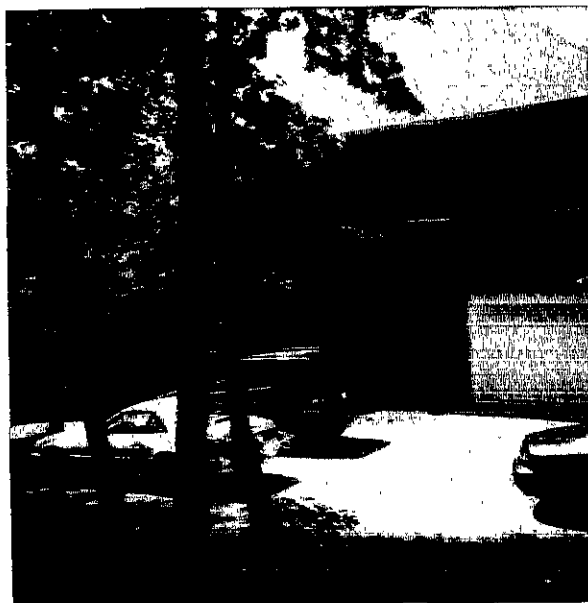
Right Side #78



Rear #78



Front #78

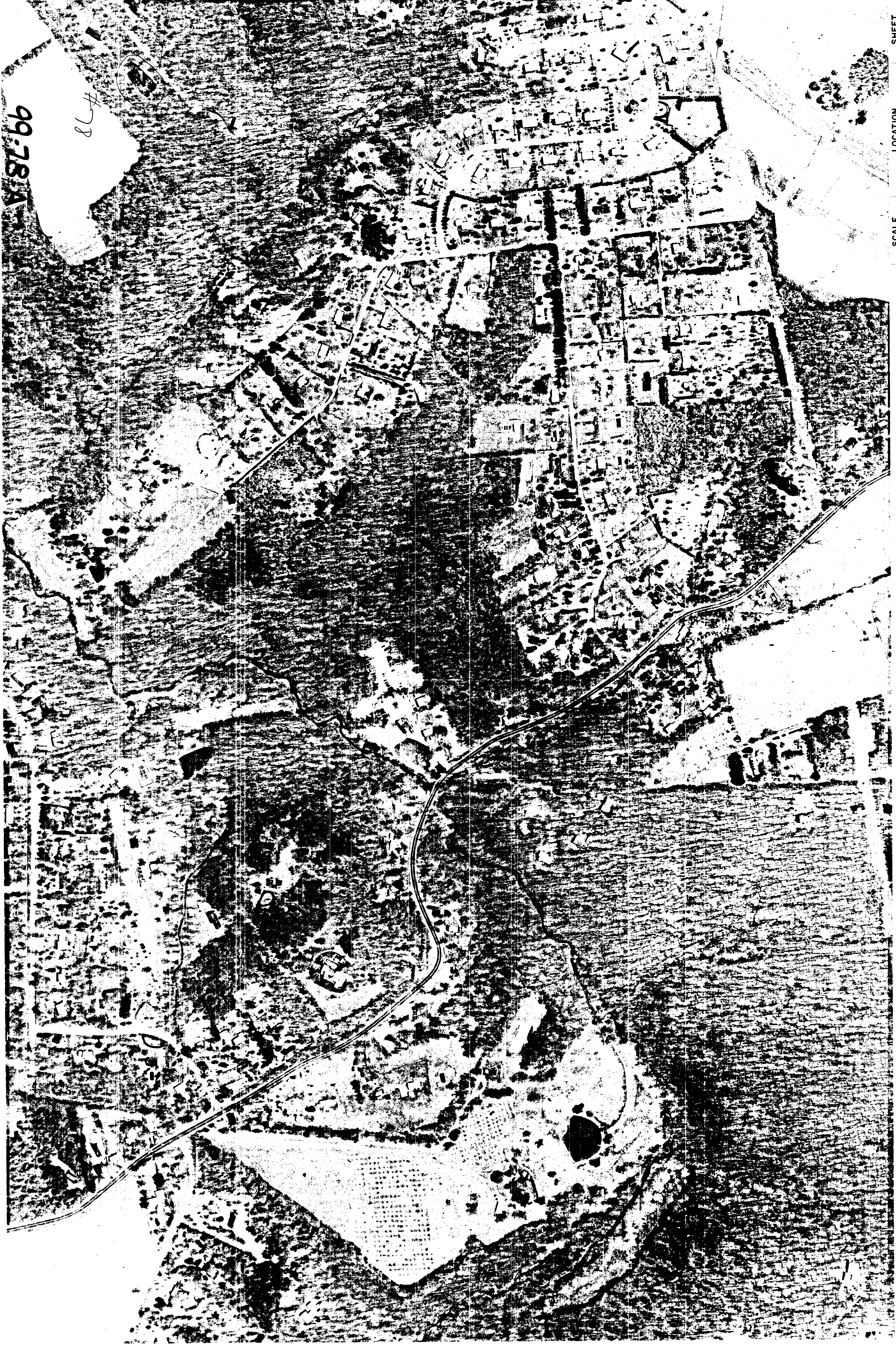


Left Side #78

99-78-A

14 + 17
+ 15





99-78-A

86#

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	SHEET
1" = 200' ±			
DATE OF PHOTOGRAPHY JANUARY 1986		NORTHWEST OF BALTIMORE COUNTRY CLUB	N W 15-D